

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PARTNERS IN NUTRITION d/b/a
PARTNERS IN QUALITY CARE,

Case No. 0:22-cv-02195-JRT-JFD

Plaintiff,

vs.

**DECLARATION OF
EMILY HONER**

MINNESOTA DEPARTMENT OF
EDUCATION; MONICA HERRERA, in
her individual capacity and official capacity
as Director of Nutrition Program Services;
EMILY HONER, in her individual capacity
and official capacity as Program Integrity
Work Manager and JEANETTE
JOHNSON-REED, in her individual
capacity and official capacity
as Supervisor of Compliance,

Defendants.

I, Emily Honer, state as follows:

1. I am employed by the Minnesota Department of Education (“MDE”) as a manager in the Nutrition Program Services division. I make this Declaration based upon my own personal knowledge or based upon documents kept and maintained by related to the administration of the Child and Adult Care Food Program (“CACFP”) and Partners in Nutrition d/b/a Partners in Quality Care’s (“PIQC”) sponsorship of CACFP.

2. Attached hereto as **Exhibit A** is a true and correct copy of the May 27, 2022 decision terminating PIQC’s sponsorship and withholding of payments.

3. Attached hereto as **Exhibit B** are true and correct copies of communications between MDE and PIQC related to the scheduling of the administrative hearing on PIQC’s appeal of the May 27 agency decision.

4. The panel's decision on PIQC's appeal of the May 27 action is due on or before October 14, 2022.

5. PIQC applied to renew its CACFP sponsorship for program year 2022-2023. Under 7 C.F.R 226.6(b)(3), MDE has until October 8, 2022 to approve or deny PIQC's application.

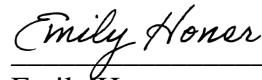
6. Attached hereto as **Exhibit C** is a true and correct copy of the Serious Deficiency Notice MDE issued to PIQC on March 31, 2021 arising out of PIQC's nonconformance with CACFP's performance standards. In response to this Serious Deficiency Notice, PIQC submitted to MDE a corrective action plan. MDE provided PIQC with technical assistance to assist PIQC in devising a corrective action plan to remediate the deficiencies and MDE deferred the serious deficiency on June 16, 2021. PIQC's corrective action plan included the implementation of policies and procedures to ensure PIQC had sufficient internal controls, staffing levels and training to manage its growing operations, an updated Management Plan, and an updated budget.

7. On January 31, 2022, MDE issued a Notice of Termination and Proposed Disqualification of PIQC and its principals because, based the information in the search warrant affidavits unsealed on January 20, 2022 connecting PIQC's operations to the fraud, MDE determined that PIQC had not fully and permanently corrected the previously deferred serious deficiencies. Attached hereto as **Exhibit D** is a true and correct copy of the January 31, 2022 Notice of Termination and Proposed Disqualification.

8. Attached hereto as **Exhibit E** is a true and correct copy of the panel's decision reversing the January 31, 2022 termination and proposed disqualification.

I declare under penalty of perjury that everything stated in this document is true and correct. Dated:

Dated: September 28, 2022



Emily Honer